

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

OBIEKWE STEPHEN OKWUDIL)
UGOCHUKWU,)
)
Plaintiff,)
)
) CIVIL NO. 06-581-DRH
vs.)
)
FRED BALLARD, *et al.*,)
)
Defendants.)

MEMORANDUM AND ORDER

HERNDON, District Judge:

Plaintiff, a prisoner proceeding *pro se*, filed this civil action in the United States District Court for the Northern District of Illinois; that court transferred the action to this District. However, Plaintiff has not paid the \$350 filing fee for this action nor, in the alternative, has he filed a properly supported motion for leave to proceed *in forma pauperis*. *See* 28 U.S.C. §§ 1914, 1915.

IT IS HEREBY ORDERED that, within **THIRTY (30) DAYS** of the date of the entry of this order, Plaintiff shall pay the \$350 filing fee applicable to this action. In the alternative, Plaintiff may file a motion to proceed *in forma pauperis*, supported by a certified copy of his prison trust fund account statement for the six-month period immediately preceding the filing of the complaint and an affidavit that includes a statement of his assets. Plaintiff is **ADVISED** that in the event he has been transferred among institutions during this six-month period, it is Plaintiff's responsibility to obtain a copy of his prison trust account statement from each such facility and to forward it to the Court. Plaintiff is **FURTHER ADVISED** that his obligation to pay the filing fee for this action was incurred at the time the action was filed; such an obligation will exist whether or not Plaintiff is

granted leave to proceed *in forma pauperis*. 28 U.S.C. § 1915(b)(1); *see also Lucien v. Jockisch*, 133 F.3d 464, 467 (7th Cir. 1998).

IT IS FURTHER ORDERED that upon conclusion of this thirty-day period, should Plaintiff fail to comply with this order, this case will be closed for failure to comply with an order of this Court. FED.R.CIV.P. 41(b); *see generally Ladien v. Astrachan*, 128 F.3d 1051 (7th Cir. 1997); *Johnson v. Kamminga*, 34 F.3d 466 (7th Cir. 1994).

The Clerk is **DIRECTED** to provide Plaintiff with the proper forms to file an *in forma pauperis* motion, should he choose to do so.

IT IS SO ORDERED.

DATED: August 7, 2006.

/s/ David RHerndon
DISTRICT JUDGE